

RECEIVE

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CARL EMMETT WYATT
Petitioner

V. s

GWENDOLYN MOSLEY, WARDEN, et al.,
Respondant

CIVIL ACTION NO.
2:05-CV-781-F

Now Comes The petitioner in response To Respondant's Second Supplemental answer To The Courts Rule-5 Rules Governing Section 2254 Cases in The United States District Court (DOC-00-20) The claim therein That The claim presented by petitioner in his second amendment petition (Doc-18.) provides no basis for relief specifically, but petitioner argues that in his Rule 32 post conviction Remedy did argue the point of Newly Discovered evidence on EXHIBIT-2A - page 1-A-1. and page 2-II The Rule 32. was posted on The Case action summary 6/27/01 and in EXHIBIT-2B page 6. The petitioner argues the same about being Compelled to go to Fry trial in Orange Jail House Clothing. and EXHIBIT 2C page 4 line II Rule 32 Brief of appellant argues the

the point of being Compelled to face Jury trial in
 prison clothing, and petitioner specifically argues the
 violation of wearing prison clothing to Jury trial on
 page 10 of EXHIBIT 2-C and Application for Rehearing
 and Rule 39 motion EXHIBIT 2-F. The violation of
 wearing of prison clothing was argued, and in brief
 to appeal EXHIBIT 2-H page 7-11 the prison clothing was
 also argued. Dated 13 Aug 2004, and I did NOT know
 about the violation of the my appointed Counsel's violation
 of allowing me to appear before trial Jury in
 bright orange clothing until I was sent to
 Easterning Correctional Facility Clio, Alabama
 36017, and me and another inmate was researching
 some case-laws in the filing a Rule 32 that I
 found out that I had been violated my presumption
 of innocence by my attorney Bentley v Christ 469
 F. 2d 854 (1972) The Court Held The following.
 Compelling accused to wear prison clothing may
 deny him presumption of innocence and attire
 with word (Jail or Sheriff) stenciled on it is
 prison clothing, and so is argued in my Rule
 32 brief EXHIBIT 2-A. page 1. With this brief
 and argument The appellant or petitioner pray This
 Court will except it in good cause and The Court
 address The procedurally barred claim under the
 Fundamental Miscarriage of Justice exception.

and the petitioner prays this Court will grant him
Relief Requested in petition or other Relief. To
Vacate his conviction and sentence or in the alternate

Done this 5th day of December 2005

Respectfully Submitted

Carl E. Wyatt

CARL EMMETT WYATT A/S 211315
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CERTIFICATE OF SERVICE

I do hereby Certify that a true and exact
Copy of the foregoing brief and argument has
been served upon the office of the Attorney General's
office 11 SOUTH UNION STREET. MONTGOMERY, ALABAMA
36130, 052. and the office of the Clerk of
The United States District Court. P.O. Box # 0711
MONTGOMERY ALABAMA 36101-0711. by placing
same in the U.S. mail Box at Easterling Correctional
Facility postage prepaid. on this Date 5-Dec-2005

Respectfully. Carl E. Wyatt